

Form and Correctness Approved: *BAP*

Contents Approved:

By: _____
Office of the City AttorneyBy: _____
DEPT. Planning

NORFOLK, VIRGINIA

Ordinance No. 48657

AN ORDINANCE GRANTING CONDITIONAL USE PERMITS TO AUTHORIZE THE OPERATION OF A BANQUET HALL WITH LIVE ENTERTAINMENT OPERATED BY "UP CENTER" ON PROPERTY LOCATED AT 5957 EAST VIRGINIA BEACH BOULEVARD, SUITE 15.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That conditional use permits are hereby granted to Up Center, LLC authorizing the operation of the following principal uses and accessory uses:

- (a) Banquet Hall (principal use)
- (b) Live Entertainment (accessory use)
- (c) Sale of Alcoholic Beverages, On-Premises (accessory use)

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, is described as follows:

Property fronts 885 feet, more or less, along the southern line of East Virginia Beach Boulevard beginning 115 feet, more or less, from the eastern line of Glenrock Road and extending eastwardly, located within the Military Crossing shopping center; premises numbered 5957 East Virginia Beach Boulevard, suite 15.

Section 3:- That the conditional use permit or permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

- (a) The operation of the principal use of Banquet Hall must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance.
- (b) The operation of the accessory uses of Live Entertainment and On-Premises Sale of Alcoholic Beverages must be conducted in accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance.
- (c) The revocation, termination, or expiration of any one of the permits granted herein shall constitute grounds for revocation of every other permit granted herein.
- (d) The hours of operation for the establishment shall be limited to 9:00 a.m. until 12:00 midnight, seven days a week.
- (e) The hours of operation for the on-premises sale of alcoholic beverages, and live entertainment shall be limited to 12:00 noon until 12:00 midnight, seven days a week.
- (f) The seating for the Banquet Hall shall be limited to not more than 500 seats indoors, no seats outdoors, and the total occupancy, including employees, shall not exceed 660 people.
- (g) The two parking spaces located immediately in front of the entrance to the establishment shall be converted to a planting area and two trees, of the same type as those in the other landscape islands in the shopping center, shall be planted in the area.
- (h) The business authorized by this ordinance shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this ordinance. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new conditional use

permit must be obtained. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (i) The conditional use permit or permits granted herein that relate to retail alcoholic beverage control licensees shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new conditional use permit is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (j) Entertainment shall be limited to live bands, disc jockey and a comedian. No other form of entertainment is permitted.
- (k) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it conforms with all building code requirements.
- (l) The dance floor shall not exceed 400 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (m) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (n) If a solid waste receptacle is situated on the

site, it shall be positioned along the rear of the building in a location that does not interfere with access to any parking space, impede use of the vehicular drive aisle, or encroach into any required buffer yard or setback, and shall conform with all of the requirements of section 5.4.4.A of the Norfolk Zoning Ordinance, Refuse Containers.

- (o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (p) The establishment shall maintain a current, active business license at all times while in operation.
- (q) The establishment shall remain current on all food and beverage taxes, business personal property taxes, and other local taxes which may become due while it is in operation.
- (r) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons by printing it either on the menu or a card placed on each table and the bar.
- (s) The violation of any condition, requirement, or limitation imposed by the Virginia ABC Authority shall be deemed a violation of this ordinance. Any conditional use permit granted by the ordinance may be revoked for any violation of a general or specific condition, including a condition incorporated by reference or arising from conditions, requirements, or limitations imposed on any aspect of the operation of the establishment by the ABC Authority or by Virginia law.
- (t) A copy of this conditional use permit ordinance and Exhibits shall be available on the premises

at all times for inspection, and a notice indicating that this conditional use permit ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This ordinance;
- (2) Any ABC license(s);
- (3) Any occupancy permit(s);
- (4) Certifications of all persons who work on the premises as a security guard;
- (5) All fire code certifications, including alarm and sprinkler inspection records;
- (6) Any health department permit(s);
- (7) The emergency action plan required under the Fire Prevention Code;
- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 99

people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

- (w) The written security plan submitted to the City as part of the application for this permit and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

Section 5:- That, because the operation of this establishment in the manner proposed in the application requires the grant of more than one conditional use permit, the City Council finds that its operation is only appropriate at the location where it is being authorized when conducted in the manner proposed, as modified by the City Council, and that each permit should be subject to the same conditions, requirements and limitations in order to constrain the operation in a manner that adequately protects public health, safety, and welfare.

Section 6:- That this ordinance hereby amends the previously granted special exception permitting the operation of an entertainment establishment, adopted on March 22, 201 (Ordinance No. 44,182), on this property. All provisions and conditions previously approved are entirely superseded by the terms of this ordinance.

Section 7:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (7 pages)

Adopted by Council February 8, 2022
Effective February 8, 2022

TRUE COPY

TESTE:

RICHARD ALLAN BULL

BY:

CHIEF DEPUTY CITY CLERK



EXHIBIT "A"

Description of Operations

Banquet Hall with Live Entertainment/Sale of Alcoholic Beverages, On-Premises

Date: February 23, 2021Trade name of business: Up Center, LLCAddress of business: 5957 E. Virginia Beach Boulevard, Norfolk, Virginia 23502Name(s) of business owner(s)*: Up Center, LLC, a Virginia limited liability companyName(s) of property owner(s)*: **Roosevelt Plaza Associates**Name of business managers/operators Ngan Nguyen; Dedrick LearyCharbel Boulos; Joyce Leary; Shameka LearyDaytime telephone number: (757) 395-7435

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>	<u>Alcoholic Beverage Sales and Live Entertainment</u>
Weekday From: <u>9 a.m.</u> To: <u>12 a.m.</u>	Weekday From: <u>12 p.m.</u> To: <u>12 a.m.</u>
Friday From: <u>9 a.m.</u> To: <u>12 a.m.</u>	Friday From: <u>12 p.m.</u> To: <u>12 a.m.</u>
Saturday From: <u>9 a.m.</u> To: <u>12 a.m.</u>	Saturday From: <u>12 p.m.</u> To: <u>12 a.m.</u>
Sunday From: <u>9 a.m.</u> To: <u>12 a.m.</u>	Sunday From: <u>12 p.m.</u> To: <u>12 a.m.</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2018)

Exhibit A – Page 2

Banquet Hall with Live Entertainment/Sale of Alcoholic Beverages, On-Premises

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed

4. Will video games, pool tables, game boards or other types of games be provided?

☐ Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?

☐ Yes ☒ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

[Monday] [Tuesday] [Wednesday] [Thursday] [Friday] [Saturday] [Sunday]

6. Will the facility or a portion of the facility be available for private parties?

☒ Yes ☐ No

6a. If yes, explain:

Weddings, Receptions, Retirement Party

7. Will a third party (promoter) be permitted to lease, let or use the establishment?

☐ Yes ☒ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?

☐ Yes ☒ No

Exhibit A – Page 3**Banquet Hall with Live Entertainment/Sale of Alcoholic Beverages, On-Premises****9. Please provide relevant experience of all managers:**Manager Name: Dedrick LearyName and Address of Establishment: The Gourmet Breakfast Place, 838 Old George Washington Hwy,
Chesapeake, Virginia 23323Date of Employment: 2011 - 2013Manager Name: Ngan NguyenName and Address of Establishment: Sycuan Casino, 5469 Casino Way, El Cajon, CA 92019Date of Employment: 2006 -2016Manager Name: Charbel BoulosName and Address of Establishment: Bay Food Mart , 2707 Granby st. Norfolk VA 23517Date of Employment: 1995- 2021Manager Name: Joyce LearyName and Address of Establishment: Dragon Cellular 6045 high st W. Portsmouth VA 23703Date of Employment: 2004- 2018Manager Name: Shameka LearyName and Address of Establishment: Polar Wireless 1216 Little Creek rd. Norfolk VA 23518Date of Employment: 2006- 2018**10. Additional comments/description/operational characteristics:**The applicant's proposed members and managing member owned and operated similar facilitiesand have worked in this industry. All possess the necessary experience to manage in this capacity.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building code requirements for such facility


Signature of Applicant**DEPARTMENT OF CITY PLANNING**

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(Revised July 2018)

Exhibit A – Floor Plan(s) Worksheet**Banquet Hall with Live Entertainment/Sale of Alcoholic Beverages, On-Premises**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity**a. Indoor**Number of seats (not including bar seats) 500Number of bar seats 120Standing room 40**b. Outdoor**Number of seats 0**c. Number of employees**40**Total Occupancy****(Indoor/Outdoor seats, standing room and employees) = 660****2. Entertainment**

List ANY type of entertainment proposed (such as 3-member live band, karaoke, comedian, or poetry reading.)

Comedian, 5 Member Live Band, Dj**3. Will a dance floor be provided?**☒ Yes ☐ No**3a. If yes,**Square footage of establishment 22,000Square footage of dance floor 400

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

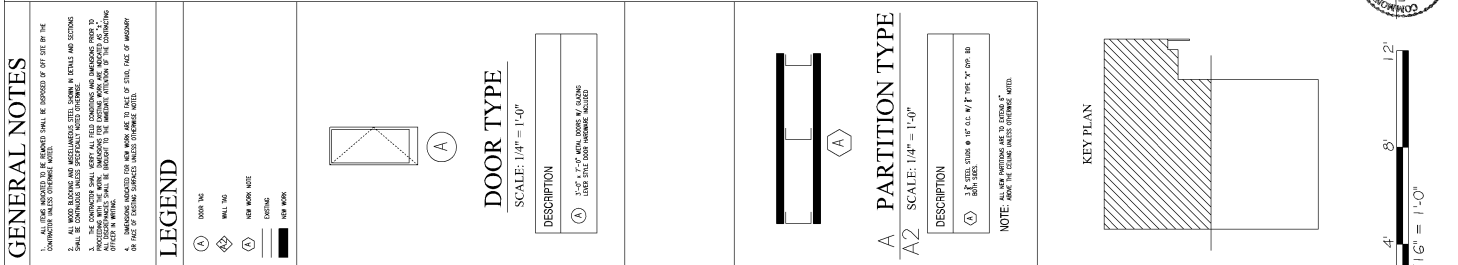
DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

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(Revised July 2010)



GENERAL NOTES

1. ALL ITEMS INDICATED TO BE SUPPLIED SHALL BE SHOWN IN DETAIL AND SECTIONS
CONSTRUCTION AND FINISHES SHOWN.

2. ALL WOOD FINISHES AND MATERIALS SHALL BE SHOWN IN DETAIL AND SECTIONS
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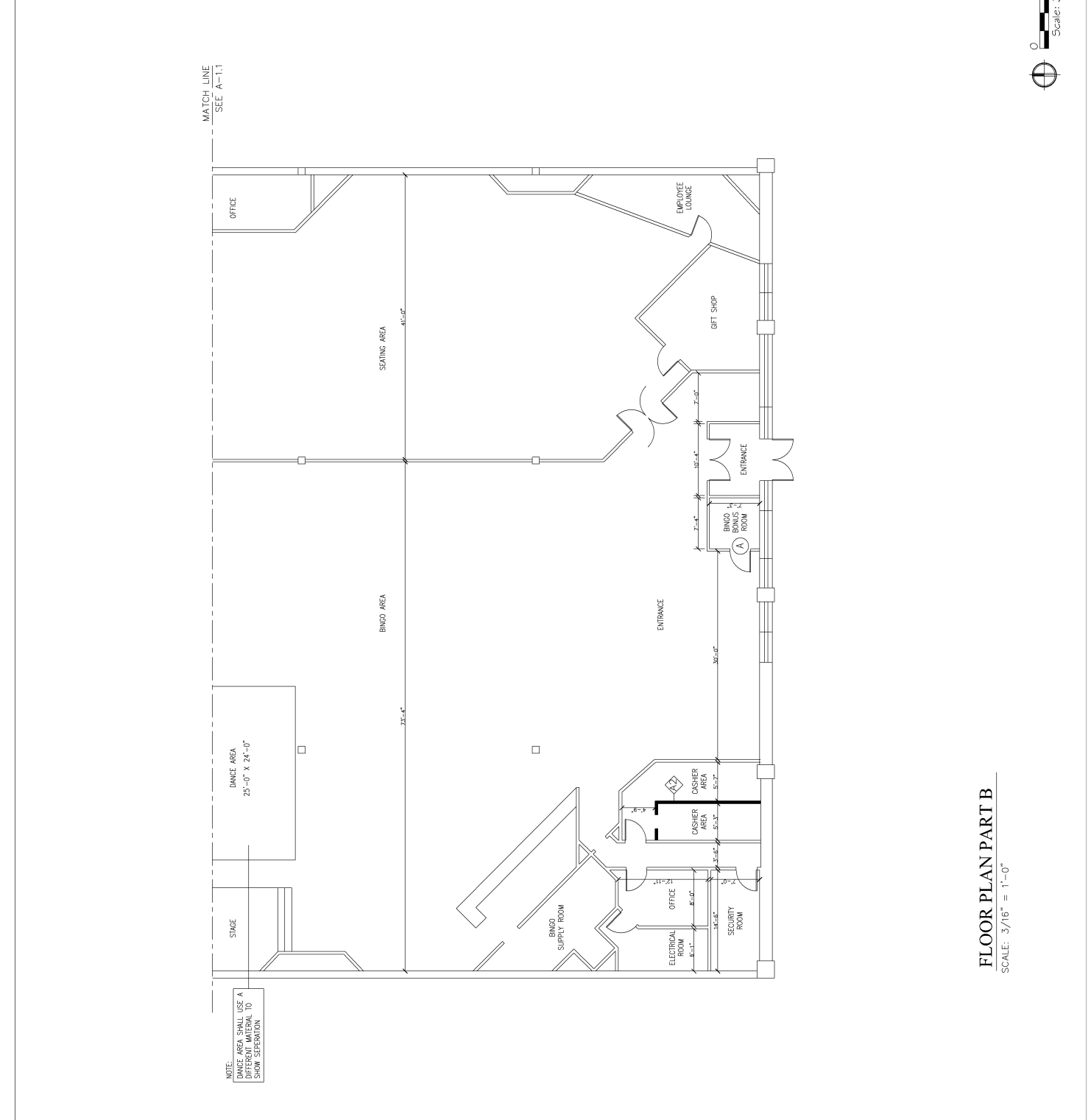
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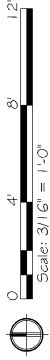
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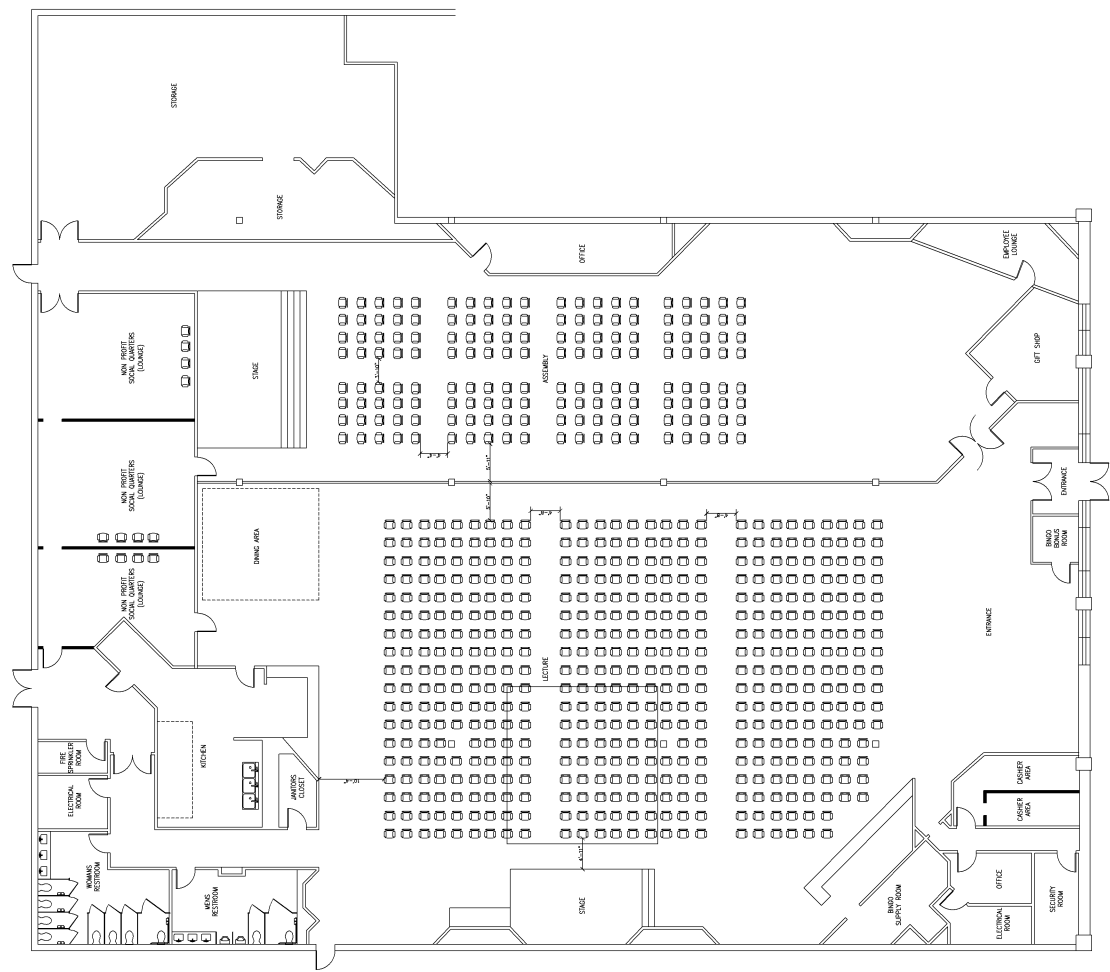
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FLOOR PLAN PART B
SCALE: 3/16" = 1'-0"





1. ALL ITEMS INDICATED TO BE REMOVED SHALL BE DISPOSED OF OFF SITE BY THE CONTRACTOR UNLESS OTHERWISE NOTED.
2. ALL WOOD BLOCKING AND MISCELLANEOUS STEEL SHOWN IN DETAILS AND SECTIONS SHALL BE CONTINUOUS UNLESS SPECIFICALLY NOTED OTHERWISE.
3. THE CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS PRIOR TO PROCEEDING WITH THE WORK. DIMENSIONS FOR EXISTING WORK ARE INDICATED AS "E". ALL DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CONTRACTING OFFICE IN WRITING.
4. DIMENSIONS INDICATED FOR NEW WORK ARE TO FACE OF 5/16" PLATE OF WELDING OR FACE OF EXISTING SURFACES UNLESS OTHERWISE NOTED.

LEGEND	 CAR	CHART SYMBOL
		TABLE SYMBOL

NOTE: ALL DATA REFERENCED FROM COVER SHEET

FURNITURE PLAN LECTURE HALL

ANDER TAYLOR
ARCHITECTURAL DESIGNER
Norfolk, Virginia 23501

5957 EAST VIRGINIA BEACH BLVD SUITE 15, NORFOLK, VA 23502

F-1.1



FURNITURE PLAN BANQUET HALL

ANDER TAYLOR
ARCHITECTURAL DESIGNER
Norfolk, Virginia 23501

GENERAL NOTES

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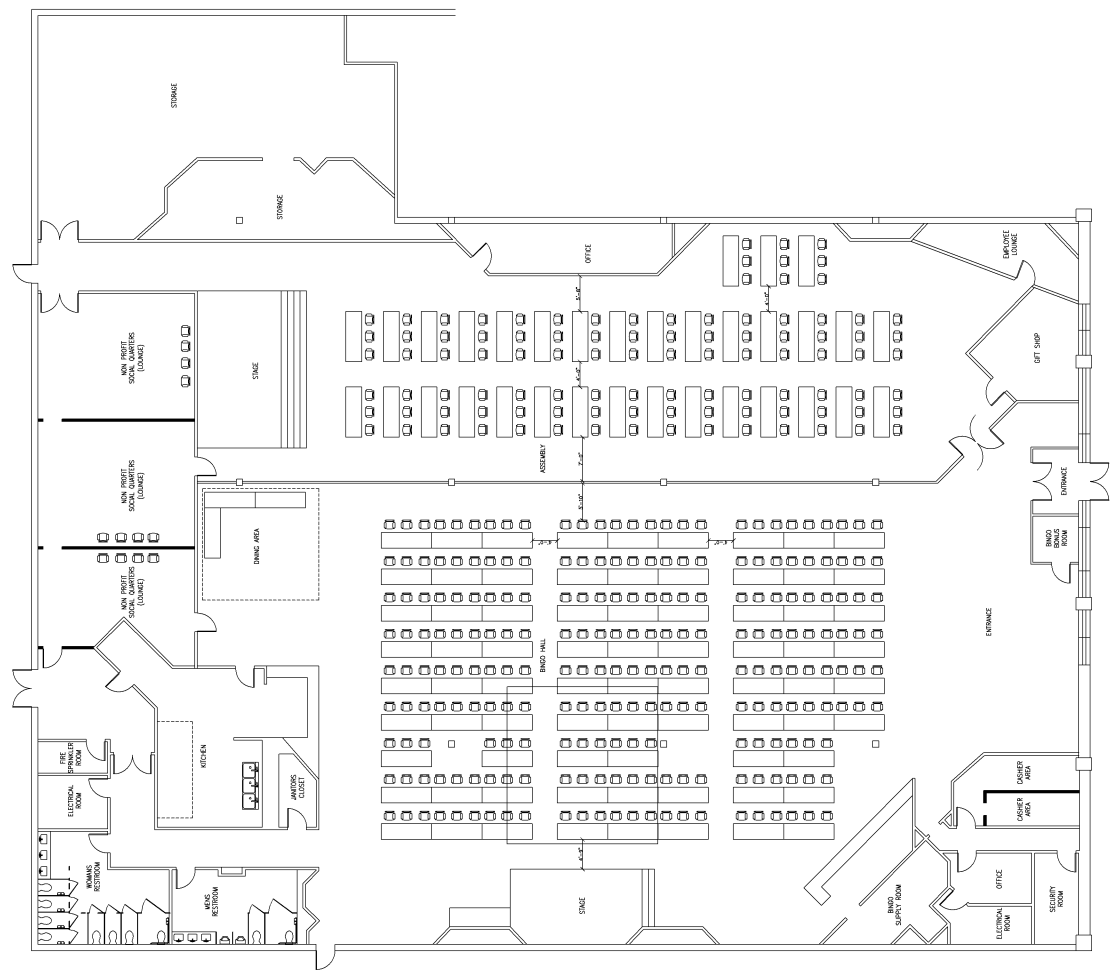
LEGEND

- | CHART SYMBOL | TABLE SYMBOL |
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OCCUPANCY LOAD

STAGE/DANCE	= 1,397 sf / 80 persons
DINING	= 308 sf / 21 persons
BAR/LOU	= 8,336 sf / 500 persons
STORAGE	= 1,607 sf / 12 persons
OFFICE	= 936 sf / 9 persons
SHOP	= 219 sf / 4 persons
LOUNGE	= 177 sf / 11 persons
KITCHEN	= 607 sq / 3 persons
ASSEMBLY	= 3,888 sq / 150 persons
TOTAL	800 persons

[illegible]



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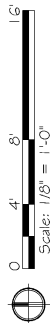
TABLE SYMBOL

STAGE	= 1,397 sf	/ 80 persons
DINING	= 328 sf	/ 21 persons
CAMMING (B&O)	= 8,326 sf	/ 500 persons
STORAGE	= 3,607 sf	/ 12 persons
OFFICE	= 988 sf	/ 9 persons
SHOP	= 219 sf	/ 4 persons
LOUNGE	= 177 sf	/ 11 persons
KITCHEN	= 607 sq	/ 3 persons
ASSEMBLY	= 3,666 sq	/ 160 persons
TOTAL		860 persons

Drawn By	EM
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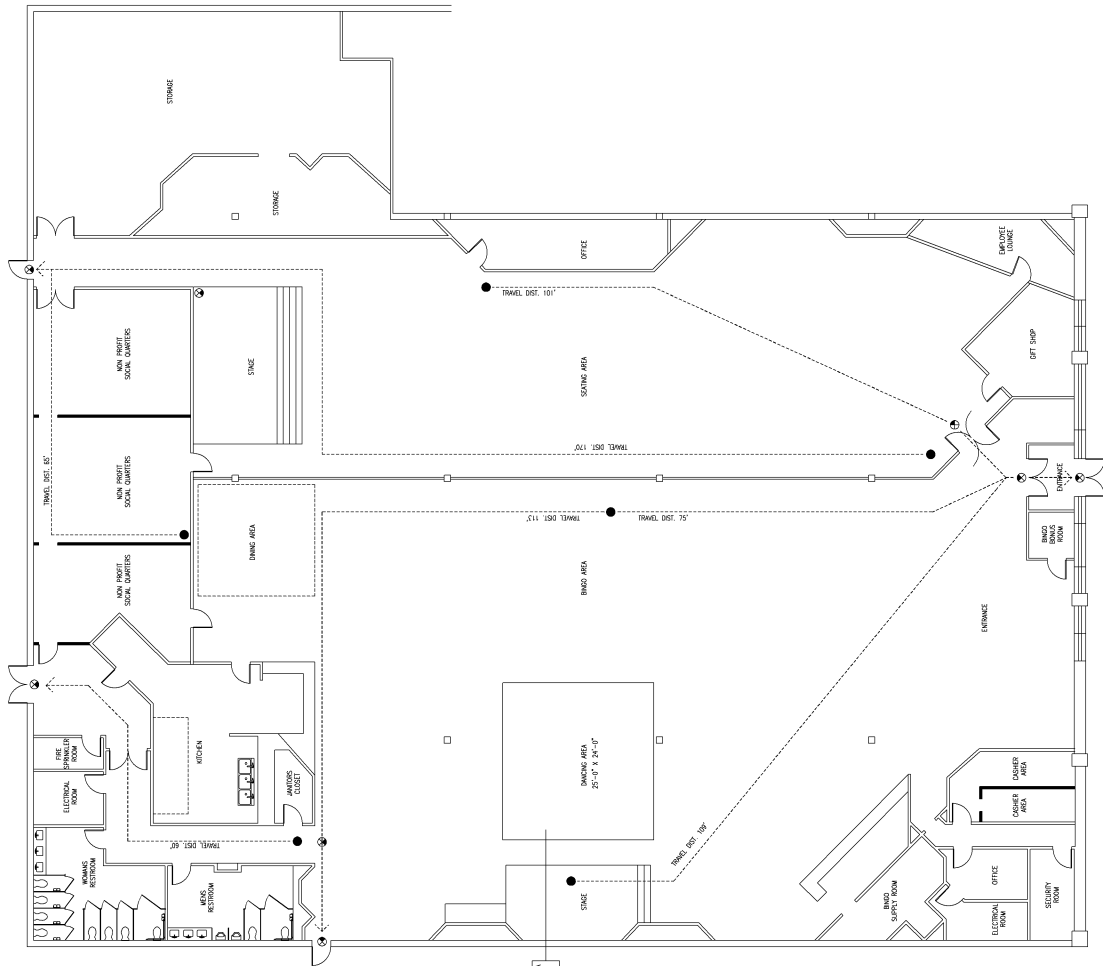
LK, VA 23502

5957 EAST VIRGINIA BEACH BLVD SUITE 15, NORFOLK, VA 23502



LIFE SAFETY PLAN

SCALE: 1/8" = 1'-0"



NOTE: DANCE AREA SHALL USE A DIFFERENT MATERIAL TO SHOW SEPARATION

GENERAL NOTES

7. THE LONGEST EXIT ACCESS TRAVEL DISTANCE FROM THE REMOTE AREAS IN THE FACILITY IN 170 FT. WHICH IS UNDER THE DISTANCE OF

LEGEND

● YOU ARE HERE

[EDIT SIGN](#)

***** PATH OF TRAVEL